

AUG 29 2005

001/005

B R O W N R A Y S M A N

BROWN RAYSMAN MILLSTEIN FELDER & STEINER

FACSIMILE COVER SHEET

---

From: Frank J. DeRosa      Date: August 29, 2005  
Direct Dial: 212-895-2010      Client/Matter #: 3524-14

---

PLEASE DELIVER AS SOON AS POSSIBLE TO:

	Recipient	Company	Fax No.	Phone No.
1.	Examiner Ella Colbert	Group Art Unit 3624 USPTO Central Fax Unit Examiner Colbert	703.872.9306 571.273.8300 571.273-6741	571.272.6741

Total number of pages including this page: 5  
If you do not receive all the pages, please call (212) 895-2000.

---

Message:

---

Please Note: the information contained in this facsimile message is privileged and confidential, and is intended only for use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please notify sender or the mail room by telephone: (212) 895-2000. Thank You.

---

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP  
900 THIRD AVE NY NY 10022 T 212-895-2000 F 212 895-2900 brownraysman.com

BRMFS1 615215v1

PTO/SB/97 (08-03)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on 08/29/2005

Date



Signature

Frank J. DeRosaTyped or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Response to June 29, 2005 Office Action and Request for a One-Month Extension of Time

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED  
CENTRAL FAX CENTER

Attorney Docket No.: 3524/14

AUG 29 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hausman

Serial No: 09/584,045

Art Unit: 3624

Filed: May 30, 2000

Examiner: Ella Colbert

For: Electronic Trading System for  
Electricity ForwardsBy Facsimile

Commissioner for Patents

**RESPONSE TO JUNE 29, 2005 OFFICE ACTION AND  
REQUEST FOR A ONE-MONTH EXTENSION OF TIME**

Sir:

This paper is in response to the June 29, 2005 Office Action ("the Office Action").

**EXTENSION REQUEST**

A one-month extension of time to August 29, 2005 is requested. Please charge the extension fee of \$120.00 and any other fee required at this time to continue prosecution to our Deposit Account No. 02-4270.

**PROVISIONAL ELECTION**

In response to the restriction requirement in the Office Action, claims 19 and 25 are hereby provisionally elected on behalf of Applicant with traverse for further prosecution in this application.

08/31/2005 MBINAS 00000019 024270 09584045  
01 FC:1251 120.00 DA

**REQUEST FOR RECONSIDERATION**

Reconsideration and withdrawal of the restriction requirement are requested for the following reasons, which were discussed with Examiner Colbert by telephone on August 29, 2005. Applicant's Attorney thanks Examiner Colbert for discussing the Office Action and for agreeing to reconsider the restriction requirement.

Applicant's Attorney informed the Examiner that this application was already the subject of a restriction requirement and an election of the eight currently pending claims. (Telephonic election made on July 15, 2003; see Office Action dated October 1, 2003.)

Applicant's Attorney also pointed out that this application was filed on May 30, 2000, and has been pending for more than five years. During this time, the Office has searched the eight pending claims, issued two substantive office actions applying prior art and considered arguments advanced on behalf of the Applicant in two responses to office actions, as well discussed the claims and the prior art in two personal interviews between Applicant's representatives and the Examiner formerly handling this application. Applicant has correspondingly prosecuted this application, including filing of an RCE to continue prosecution of the eight claims.

It is submitted that the amendments to the pending claims previously made did not so change the character of the pending claims as to now mandate restriction. Thus, it is submitted that the current restriction requirement was not necessitated by Applicant's responses.

As a matter of fundamental fairness, the Office should allow prosecution of the eight pending claims to continue in this application. The Office should not require a second restriction after claims have been prosecuted as pointed out above. Applicant has expended significant

resources to prosecute the previously elected eight claims and would be prejudiced by the requirement to expend additional time and expense to prosecute non-elected claims in a divisional application.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the current restriction requirement and to continue prosecution of claims 15, 17, 19, 20 and 34-37 in this application.

Respectfully Submitted,

Date: August 29, 2005

**Customer No: 29858**

Brown Raysman Millstein Felder & Steiner  
900 Third Avenue  
New York, NY 10022  
Tel. (212) 895-2000  
Fax. (212) 895-2900

By: Frank J. DeRosa

Frank J. DeRosa  
Reg. No. 26,543  
Attorney for Applicant

BRMFS1 615209v1